FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR
CIVIL APPLICATION NO: 5331/2007
IN
FIRST APPEAL NO: 437/2006
(Divisional Controller, MSRTC vs.Madhukar Ramlu Chintanwar and others)

Office Notes, Office Memorandum of Coram appearances, Court's orders of directions and Registrar's orders.	Court's or Judges Order

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Mr. S.N.Gaikwad,Adv.h/for Shri V.G.Wankhede, Adv. for applicant
Mr. Dharmadhikari Adv.for R-1
Mrs. Jog, AGP for R-2 and 3

CORAM: A.P.LAVANDE & R.V.MORE, JJ.
DATED: 02.08. 2007.

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1. Heard counsel for respective parties.

2. By this application, Respondent no.1 seeks withdrawal of the amount of Rs. 46,91,116 deposited by the appellant pursuant to the order passed by this Court granting stay of execution of the impugned judgment and order passed in Land Acquisition Case No.1/99.

3. Having heard learned counsel for the parties and having considered respective submissions, we allow the

respondent no.1 to withdraw the said amount subject to following conditions:-

(i) Respondent shall furnish bank guarantee of any nationalised Bank in respect of 50 % of the amount and furnish security to the satisfaction of the Registrar (J) of this Court in respect of balance 50 % of the amount.,

(ii) Respondent shall keep the bank guarantee alive during pendency of First Appeal No. 437/2006 and for a period of thee months after its disposal.

(iii) In case the appeal is wholly or partly allowed, respondent no.1 shall deposit the amount due in this Court within a period of 12 weeks from the date of judgment with interest thereon at the rate of 9% per annum an shall file an undertaking to that effect before withdrawal of the amount.

The application stands disposed of accordingly.

JUDGE JUDGE

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